



General Assembly

**Amendment**

February Session, 2006

LCO No. 5090

\*SB0015605090HRO\*

Offered by:

REP. STRIPP, 135<sup>th</sup> Dist.

REP. HETHERINGTON, 125<sup>th</sup> Dist.

To: Subst. Senate Bill No. 156

File No. 413

Cal. No. 473

**(As Amended by Senate Amendment Schedule "A")**

**"AN ACT CONCERNING COURT OPERATIONS."**

1 Strike section 3 in its entirety and insert the following in lieu thereof:

2 "Sec. 3. Subsection (c) of section 51-36 of the 2006 supplement to the  
3 general statutes is repealed and the following is substituted in lieu  
4 thereof (*Effective October 1, 2006*):

5 (c) (1) In any case in which a person has been convicted [after trial]  
6 of a felony, other than a capital felony, the official records of evidence  
7 or judicial proceedings in the court may be destroyed upon the  
8 expiration of twenty years from the date of [disposition of] imposition  
9 of the sentence in such case or upon the expiration of the sentence  
10 imposed upon such person, whichever is later.

11 (2) In any case in which a person has been convicted after trial of a  
12 capital felony, the official records of evidence or judicial proceedings in

13 the court may be destroyed upon the expiration of seventy-five years  
14 from the [conviction of such person] date of imposition of the sentence  
15 in such case.

16 (3) In any case in which a person has been found not guilty, or in  
17 any case that has been dismissed or was not prosecuted, the court may  
18 order the destruction or disposal of all exhibits entered in such case  
19 upon the expiration of ninety days from the date of final disposition of  
20 such case, unless a prior disposition of such exhibits has been ordered  
21 pursuant to section 54-36a. In any case in which a nolle has been  
22 entered, the court may order the destruction or disposal of all exhibits  
23 entered in such case upon the expiration of thirteen months from the  
24 date of final disposition of such case. Not less than thirty days prior to  
25 the scheduled destruction or disposal of exhibits under this  
26 subdivision, the clerk of the court shall send notice to all parties and  
27 any party may request a hearing on the issue of such destruction or  
28 disposal before the court in which the matter is pending.

29 (4) In any case in which a person has been convicted of a  
30 misdemeanor or has been adjudicated a youthful offender, the court  
31 may order the destruction or disposal of all exhibits entered in such  
32 case upon the expiration of ten years from the date of imposition of the  
33 sentence in such case or upon the expiration of the sentence imposed  
34 on such person, whichever is later, unless a prior disposition of such  
35 exhibits has been ordered pursuant to section 54-36a. Not less than  
36 thirty days prior to the scheduled destruction or disposal of exhibits  
37 under this subdivision, the clerk of the court shall send notice to all  
38 parties and any party may request a hearing on the issue of such  
39 destruction or disposal before the court in which the matter is pending.

40 (5) In any case in which a person is charged with multiple offenses,  
41 no destruction or disposal of exhibits may be ordered under this  
42 subsection until the longest applicable retention period under this  
43 subsection has expired. The provisions of this subdivision and  
44 subdivisions (3), (4) and (6) of this subsection shall apply to any  
45 criminal or motor vehicle case disposed of before, on or after the

46 effective date of this section.

47 (6) The retention period for the official records of evidence and  
48 exhibits in any habeas corpus proceeding, petition for a new trial or  
49 other proceeding arising out of a criminal case in which a person has  
50 been convicted shall be the same as the applicable retention period  
51 under this subsection for the criminal case from which such  
52 proceeding or petition arose.

53 (7) For the purposes of this subsection, "sentence" includes any  
54 period of incarceration, parole, special parole or probation."